



NEWS RELEASE

JUDICIAL COUNCIL OF CALIFORNIA ADMINISTRATIVE OFFICE OF THE COURTS

CONTACT
LYNN HOLTON

PUBLIC INFORMATION OFFICER
(415)865-7738

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF JULY 26, 1999

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#99-111 Collection Bureau of San Jose v. Rumsey, S079190. (H018550.)

Unpublished opinion. Petition for review after the Court of Appeal reversed the judgment in a civil action. This case concerns whether the statute of limitations applicable to actions against a surviving spouse to collect hospital bills incurred by the deceased spouse is the one-year period for claims against an estate (Code Civ. Proc., former § 353 [now §366.2]) or the four-year period for open book accounts (Code Civ. Proc., § 357).

#99-112 People v. Gour, S079531. (B121439; 71 Cal.App.4th 792.)

Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. This case presents an issue, concerning whether the 1996 revision of CALJIC 9.00 correctly defines the mens rea of assault, which is related to an issue before the court in People v. Williams, S076262. (See #99-53.)

(over)

#99-113 Industrial Indemnity Co.v. Apple Computer, Inc, S079256. (A074119; 71 Cal.App.4th 452, mod. 72 Cal.App.4th 860a.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case includes an issue, concerning whether an insurance policy covering infringement of title provides coverage for infringement of a trademarked business name which is related to an issue before the court in Palmer v. Truck Ins. Exchange, S074326. (See #98-165.)

#99-114 People v. Hanson, S078689. (B120251; 70 Cal.App.4th 1372.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case concerns whether the California state protection against double jeopardy is violated when an increased restitution fine, accompanied by reduced confinement, is imposed upon a defendant on resentencing after a partially successful appeal. (See Cal. Const., art. I, §15.)

#99-115 Vu v. Prudential Property & Casualty Ins. Co, S078271. (9th Cir. No. 98-55540; 172 F.3d 725.) Request by the United States Court of Appeals for the Ninth Circuit for the answer to a certified question of state law pursuant to rule 29.5 of the California Rules of Court. The certified question, as posed by the Ninth Circuit and accepted by the California Supreme Court, states: “Where an insured presents a timely claim to his insurer for property damage under a policy, and the insurer’s agent inspects the property but does not discover the full extent of covered damage, does California Insurance Code §2071 bar a claim brought by the insured more than one year after the damage was sustained but within one year of his discovery of the additional damage? Or, to put the matter differently, does Neff v. New York Life Ins. Co. 30 Cal.2d 165 (1947), remain good law?”

DISPOSITION

#98-4 Lambert v. City & County of San Francisco S065446, was dismissed and remanded to the Court of Appeal.